

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ANTHONY FEOLA,

Petitioner,

v.

JEFFEREY PERKINS,

Respondent.

CASE NO. 3:24-cv-05078-JHC-GJL

ORDER SUBSTITUTING
RESPONDENT

The District Court has referred this federal habeas action filed pursuant to 28 U.S.C. § 2254 to United States Magistrate Judge Grady J. Leupold. Currently before the Court is Petitioner Michael A. Feola’s Motion to Change Respondent given his recent transfer to Stafford Creek Corrections Center (“SCCC”). Dkt. 16; *see also* Dkt. 15 (Notice of Change of Address).

The proper respondent for a § 2254 petition is the “state officer having custody” of the petitioner, which is ordinarily “the warden of the facility in which the petitioner is incarcerated.” *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996). Hence, the proper respondent in this case is Jason Bennett, the SCCC warden and the state officer having custody over Petitioner.

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1 Accordingly, Petitioner's Motion to Change Respondent is **GRANTED**¹ and Jason
2 Bennett is **SUBSTITUTED** as Respondent. As Petitioner has not yet filed an amended petition
3 asserting his substantive grounds for relief, the Court will not direct service upon Respondent
4 Jason Bennett at this time. Petitioner shall continue to **FILE a report every ninety (90) days**
5 informing the Court of the status of his state court proceedings. If the state court dismisses or
6 resolves Petitioner's state court proceedings, Petitioner is directed to **INFORM** the Court and
7 **FILE** a motion to lift the stay **not later than 30 days of the state court taking such action.**
8 Petitioner shall **FILE** an amended petition **not later than 60 days after the stay is lifted.**

9 Finally, the Clerk of Court is **DIRECTED to update** the docket and case caption to
10 reflect Jason Bennett as the new Respondent.

11 Dated this 28th day of October, 2024.

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14 Grady J. Leupold
15 United States Magistrate Judge
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23 ¹ Given Petitioner's status as a *pro se* litigant, the Court's grants his Motion even though this matter is currently
24 stayed. In the future, Petitioner is **ADVISED** that additional motions unrelated to the stay are strongly discouraged.